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In re Application of
Bennett, et al.
Application No. 10/784,717
Filed: February 23, 2004
Attorney Docket No. 28679/04780
For: ELECTRO-PNEUMATIC LATCHING
VALVE SYSTEM

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ON PETITION

This is a decision on the petition under 37 CFR 1.181, filed January 8, 2008, requesting that the Office withdraw the holding of abandonment of the above-identified application.

The petition under 37 CFR 1.181 is **GRANTED**.

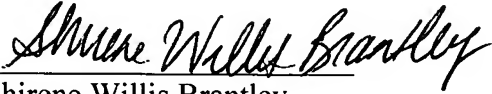
This application was held abandoned for failure to respond in a timely manner to the non-final Office action, mailed June 12, 2007, which set forth an extendable three (3) month period for reply. The Office contended that this application became abandoned on September 13, 2007 for failure to reply to the June 12, 2007 non-final Office action. A Notice of Abandonment was mailed on January 3, 2008.

Petitioners request withdrawal of the holding of abandonment based on the assertion that a request for a three month extension of time and an amendment were timely received in the Office on December 12, 2007. The undersigned finds this argument completely convincing, as these documents are present in the application file and Office financial records shows that the required three month extension of time fee was charged on December 13, 2007. The mailroom date for the payment was December 12, 2007. Therefore, the three month extension of time and amendment were timely filed.

The petition under 37 CFR 1.181 is **granted**, the holding of abandonment is withdrawn, and the January 3, 2008 Notice of Abandonment is **vacated**. No petition fee has been or will be charged in connection with this matter.

Accordingly, the application file will be forwarded to Technology Center A.U. 3683 for consideration of the amendment filed on December 12, 2007.

Telephone inquiries pertaining to this matter may be directed to the undersigned at (571) 272-3230.


Shirene Willis Brantley
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Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy